UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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3696	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 August 2008*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,7-15 and 18-28* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-4,7-15 and 18-28* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
       1.☐ Certified copies of the priority documents have been received.
       2.☐ Certified copies of the priority documents have been received in Application No. _____.
       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Introduction

1.   The following is a NON-FINAL Office Action in response to the communication

received on 02/08/08. Claims 1-6, 8-26 are now pending in this application.

2.   A **request for continued examination (RCE)** under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application **AFTER FINAL rejection.** Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37

CFR 1.17(e) has been timely paid, the **FINALITY** of the previous Office Action has been

WITHDRAWN pursuant to 37 CFR 1.114. Applicant's submission filed on 02/08/08 has been

entered.

Response to Amendments

3.   Applicants Amendment has been acknowledged in that: **Claims 1, 8-12, 19-26 have been**

amended; Claims 27-28 are new; hence such, Claims 1-4, 7-15, 18-28 are now pending in this

application.

Claim Rejections- 35 U.S.C § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claim 1 is being rejected under 35 U.S.C 102(b) as being unpatentable over US

2002/0116331 to Cataline et al, herein Cataline.

Regarding claim 1, Cataline discloses a method comprising: receiving, at a service

provider processor ([0035], [0037]), a payment request to pay a payee on behalf of a payor,

wherein the payment request debits a payor account ([0055]) ; determining, at the service

provider processor, a plurality of debit options (claim 3), wherein each debit option of the

plurality of debit options is applicable for debiting the payor account wherein each debit option

is associated with at least one processing factor value, wherein the at least one processing factor

value includes a risk factor value, speed factor value, or a cost factor value ([0057], claim 13);

evaluating, at the service provider processor, the at least one processing factor value for each

debit option (claim 12); automatically selecting, at the service provider processor, one of the

plurality of debit options based, at least in part, on the evaluation of the at least one processing

factor value for each debit option ([0055]) determining, at the service provider processor, a credit

option associated with the selected debit options (claim 4); and executing, at the service provider

processor, the payment request using the selected debit options and the credit option (claim 20).

Regarding claim 2, Cataline discloses the method of claim 1, wherein the plurality of

debit options include i) electronically debiting the payor account responsive to determining that

funds in at least an amount of the payment request are available in the payor account, ii)

electronically debiting the payor account responsive to determining that an entity is available

from which to collect funds if funds cannot be collected from the payor in association with

effecting the payment ([0013], [0052]), iii) electronically debiting the payor account responsive

to selecting an account to receive an electronic credit associated with the electronic debit, the

selected account associated with a payment service provider ([0020]), iv) electronically debiting

the payor account responsive to determining that a risk of financial loss to the payment service

provider associated with effecting the payment on behalf of the payor is an acceptable risk, the

determination based upon information associated with at least one of an amount of the payment

and one or more prior payments effected on behalf of the payor ([0050]), and v) electronically

debiting the payor account responsive to determining that an electronic credit can be initiated by

the payment service provider to reverse the electronic debit if funds cannot be collected from the

payor in association with the effected payment ([0052]).

Regarding claim 3, Cataline discloses the method of claim 1, wherein each of the debit

options is determined based, at least in part, upon at least one of i) the identity of the payee, ii)

the identity of the payor, iii) the identity of a financial institution at which the payor account is

maintained, iv) the identity of a consumer service provider with which the payor is associated,

and v) a type of payment service offered by a payment service provider utilized by the payor

([0055]).

Regarding claim 4, Cataline discloses the method of claim 1, wherein executing the

payment request using the one of the second plurality of debit options and the credit option

includes issuing an electronic funds transfer file via the ACH network ([0042]).

Regarding claim 7, Cataline discloses the method of claim 1, wherein the debit options are determined based upon the received payment request ([0055]).

Regarding claim 8, Cataline discloses the method of claim 1, wherein each of the plurality of debit options is associated with a priority and two or more of the plurality of debit options are determined as both being selected, and further comprising:

determining, at the service provider processor, one of the two or more identified debit options having a highest associated priority ; wherein the one of the debit options having the highest associated priority is used to execute the payment request selected ([0057], [0058]).

Regarding claim 9, Cataline discloses the method of claim 1, wherein two or more of the plurality of debit options are determined as both being selected , and further comprising:

determining, at the service provider processor, one of the two or more determined debit options associated with a shortest time period to complete payment to the payee on behalf of the payor; wherein the one of the debit options associated with the shortest time period to complete payment to the payee on behalf of the payor is used to execute the payment request ([0057]).

Claim 10 is being rejected using the same rationale as claim 9.

Regarding claim 11, Cataline discloses the method of claim 1, wherein two or more of the plurality of debit options are determined as both being selected and further comprising:

determining, at the service provider processor, one of the two or more identified debit options which provides a highest level of protection against financial loss to a payment service provider; wherein the one of the debit options which provides the highest level of protection against financial loss to the payment service provider is used to execute the payment request ([0057]).

Claim 12 is being rejected using the same rationale as claim 1.

Claim 13 is being rejected using the same rationale as claim 2.

Claim 14 is being rejected using the same rationale as claim 3.

Claim 15 is being rejected using the same rationale as claim 4.

Claim 18 is being rejected using the same rationale as claim 7.

Claim 19 is being rejected using the same rationale as claim 8.

Claims 20-21 are being rejected using the same rationale as claim 9.

Claim 22 is being rejected using the same rationale as claim 11.

Regarding claim 23, Cataline discloses the method of claim 1, wherein determining a credit option associated with the one of the plurality of debit options includes selecting one credit option from a plurality of credit options ([0021]).

Regarding claim 24, Cataline discloses the method of claim 1, wherein evaluating at least one processing factor for each debit option includes selecting the at least one processing factor based on stored preference data wherein the stored preference data is associated with the payor or a service provider ([0024]).

Claim 25 is being rejected using the same rationale as claim 23.

Claim 26 is being rejected using the same rationale as claim 24.

Regarding claim 27, Cataline discloses the method of claim 1, wherein each debit option is associated with a plurality of processing factor values, wherein the evaluation of the at least one processing factor value for each debit option includes evaluating the plurality of processing factor values for each debit option, and wherein the selection of one of the plurality of debit options is based, at least in part, on the evaluation of the plurality of processing factor values for each debit option ([0024], [0025], [0026]).

Claim 28 is being rejected using the same rationale as claim 27.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOHAMMAD Z. SHAIKH whose telephone number is (571)270-3444. The examiner can normally be reached on Monday-Friday (7:30-5); alt Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dixon can be reached on 571-272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. Z. S./   Mohammad Z Shaikh
Examiner, Art Unit 3696   Examiner
10/23/2008   Art Unit 3696

/Daniel S Felten/

Primary Examiner, Art Unit 3696